

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1563

Introduced by Assembly Member Donnelly

January 29, 2014

An act to ~~amend Sections 26150 and 26155~~ *repeal and add Chapter 4 (commencing with Section 26150) of Division 5 of Title 4 of Part 6* of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1563, as amended, Donnelly. Firearms: *license to carry* concealed weapons.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a concealed firearm to an applicant for that license if the applicant is of good moral character, good cause exists for issuance of the license, the applicant meets specified residency requirements, and the applicant has completed a specified course of training, including firearm safety.

~~This bill would require the sheriff or head of a municipal police department to issue that license if the applicant meets those requirements. The bill would also specify that good cause, for purposes of these provisions, includes personal protection or self-defense. Because the bill would impose new duties on local law enforcement officials who would be required to issue these licenses if all of the requirements are met, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

This bill would require the Department of Justice to issue a license to carry a handgun concealed upon the person, if certain requirements are met and fees paid. The bill would specify the information, required for the application for the license, what data would be displayed on the license, and fees for issuance of a license, amendment, or replacement of a license. The bill would provide that the license would be valid for 5 years from issuance, unless canceled by the licensee or revoked for cause. The bill would create a misdemeanor for submission of false information on a license application, and a felony for submission of false statements on a license application, as specified. By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 4 (commencing with Section 26150) of
- 2 Division 5 of Title 4 of Part 6 of the Penal Code is repealed.
- 3 SEC. 2. Chapter 4 (commencing with Section 26150) is added
- 4 to Division 5 of Title 4 of Part 6 of the Penal Code, to read:
- 5
- 6 CHAPTER 4. LICENSE TO CARRY A PISTOL, REVOLVER, OR
- 7 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE
- 8 PERSON
- 9
- 10 26150. (a) The Department of Justice shall issue a license to
- 11 carry a concealed handgun upon the person within 30 days of

1 *submission of a completed application for a new license or renewal*
2 *of a license to carry a concealed handgun upon the person. A*
3 *completed application shall consist of the following:*

4 *(1) An application form signed by the applicant.*

5 *(2) Fingerprints submitted to the department, in a manner*
6 *prescribed by the department.*

7 *(3) A fee, not exceeding one hundred dollars (\$100), to pay the*
8 *reasonable costs for the department to complete a criminal*
9 *background check, and if approved, a license to carry a concealed*
10 *handgun upon the person.*

11 *(4) For a new license and renewal of a license, a course of*
12 *training that may be any course acceptable to the department, that*
13 *does not exceed eight hours, and that includes instruction, at a*
14 *minimum, on firearm safety and the law requiring the permissible*
15 *use of a firearm. A course of training shall not be required for a*
16 *person certified by the department as a trainer for purposes of this*
17 *section.*

18 *(5) Two recent passport-size color full face photographs of the*
19 *applicant.*

20 *(b) If the applicant does not have a valid California driver's*
21 *license or a California state identification card, or has not been*
22 *a resident of the state for the previous consecutive 90 days, the*
23 *department shall have up to 60 days from the date of submission*
24 *of the application to issue a license.*

25 *(c) The department shall not issue a license to a person who is*
26 *prohibited from possessing a firearm under state or federal law.*

27 *(d) If the license is denied, the department shall provide written*
28 *notice that explains the reason for the denial and the process by*
29 *which the applicant may appeal the denial.*

30 *(e) A license issued pursuant to this section is valid throughout*
31 *the state except upon a premise where possession or carrying a*
32 *firearm is prohibited by state or federal law.*

33 *26155. (a) Applications for licenses or amendments to licenses,*
34 *amendments to licenses, and licenses shall be uniform throughout*
35 *the state, on forms prescribed by the Attorney General.*

36 *(b) The application shall include a section summarizing the*
37 *statutory provisions of state law that result in the automatic denial*
38 *or revocation of a license issued pursuant to this article.*

39 *(c) The application for a new or renewal license shall require*
40 *the following information from the applicant:*

1 (1) *The name, residence address, telephone number, driver's*
2 *license and state of issue, if the applicant has a valid driver's*
3 *license, and, at the option of the applicant, the applicant's email*
4 *address.*

5 (2) *The applicant's date and place of birth, height, weight, eye*
6 *color, and hair color.*

7 (3) *Unambiguous responses to the same or materially similar*
8 *questions contained in Sections 11 to 14, inclusive, of Part 1 of*
9 *Form 4473, issued by the federal Bureau of Alcohol, Tobacco,*
10 *Firearms and Explosives.*

11 (d) *Applications for licenses and for renewal licenses, license*
12 *amendments, and applications for license amendments shall be in*
13 *writing and signed by the applicant.*

14 (e) *The department shall not charge more than twenty-five*
15 *dollars (\$25) to process an amendment to a license, and if required,*
16 *to issue a new license. A new license issued for the purpose of*
17 *incorporating an amendment shall not constitute a renewal license*
18 *or extend the period of validity of the license.*

19 (f) *Applications for a license, renewal of a license or amendment*
20 *to a license shall contain a provision requiring the applicant to*
21 *attest to the truth of the statements in the application.*

22 (g) *An applicant shall not be required to complete any additional*
23 *application or form for a license, or to provide any information*
24 *other than that necessary to complete the application form, except*
25 *to clarify or interpret information provided by the applicant on*
26 *the application form.*

27 (h) *A signed application for a license to carry a concealed*
28 *handgun shall constitute a waiver of confidentiality and a written*
29 *request that all federal, state, and local agencies, as well as private*
30 *mental health institutions and other health care facilities, release*
31 *information relevant to the applicant's eligibility for a license to*
32 *an inquiring court or law enforcement agency.*

33 (i) *Licenses issued pursuant to this article shall be produced*
34 *and mailed by the department and shall be constructed of, and*
35 *printed on, a durable, tamper-resistant polymer card of a size*
36 *equal or similar to a driver's license. The license shall display the*
37 *licensee's full face photograph in color, and shall list the true full*
38 *name, home address, date of birth, height, weight, eye color, hair*
39 *color, gender, license issue and expiration dates, and the license's*
40 *unique identifying number used by the department.*

1 (j) A license shall be valid for a period of five years unless
2 canceled by the licensee or revoked for cause.

3 (k) The department may charge a licensee a reasonable fee not
4 to exceed twenty-five dollars (\$25) for the replacement of a lost
5 or damaged license.

6 (l) A license may be renewed within 120 days prior to the
7 license's expiration date.

8 (m) A licensee who, as a member of the Armed Forces, including
9 the National Guard and Armed Forces reserves, is unable to renew
10 his or her license because of the licensee's assignment,
11 reassignment, or deployment for out-of-state military service may
12 renew his or her license within 90 days after the person returns
13 to California from out-of-state military service, if the person
14 provides the a copy of the licensee's original order designating
15 the specific period of assignment, reassignment, or deployment
16 for out-of-state military service, and a copy of the licensee's
17 discharge or amended or subsequent assignment, reassignment,
18 or deployment order back to California, as applicable. A license
19 renewed pursuant to this subdivision shall take effect on the
20 expiration date of the prior license.

21 (n) If a license applicant has a license issued pursuant to this
22 article, or if the applicant's fingerprints have been previously sent
23 to the department, as provided in Section 21650, the licensing
24 authority shall note on the copy of any subsequent license
25 application submitted by that person, the previous identification
26 number and other data in the department's files that could provide
27 positive identification, and no additional fingerprints shall be
28 required.

29 26160. (a) A person who submits an application knowing that
30 any statement contained therein is false is guilty of a misdemeanor.

31 (b) A person who knowingly makes a false statement on the
32 application regarding any of the following is guilty of a felony:

33 (1) The denial or revocation of a license, or the denial of an
34 amendment to a license, issued pursuant to this article.

35 (2) A criminal conviction.

36 (3) A finding of not guilty by reason of insanity.

37 (4) The use of a controlled substance.

38 (5) A dishonorable discharge from military service.

39 (6) A commitment to a mental institution.

40 (7) A renunciation of United States citizenship.

1 26165. A licensee shall notify the department in writing within
2 30 days of any change in the licensee's place of residence.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 SECTION 1. ~~Section 26150 of the Penal Code is amended to~~
13 read:

14 26150. (a) ~~When a person applies for a license to carry a pistol,~~
15 ~~revolver, or other firearm capable of being concealed upon the~~
16 ~~person, the sheriff of a county shall issue a license to that person~~
17 ~~upon proof of all of the following:~~

18 ~~(1) The applicant is of good moral character.~~

19 ~~(2) (A) Good cause exists for issuance of the license.~~

20 ~~(B) For purposes of this subdivision, "good cause" includes;~~
21 ~~but is not limited to, personal protection or self-defense.~~

22 ~~(3) The applicant is a resident of the county or a city within the~~
23 ~~county, or the applicant's principal place of employment or~~
24 ~~business is in the county or a city within the county and the~~
25 ~~applicant spends a substantial period of time in that place of~~
26 ~~employment or business.~~

27 ~~(4) The applicant has completed a course of training as described~~
28 ~~in Section 26165.~~

29 ~~(b) The sheriff may issue a license under subdivision (a) in~~
30 ~~either of the following formats:~~

31 ~~(1) A license to carry concealed a pistol, revolver, or other~~
32 ~~firearm capable of being concealed upon the person.~~

33 ~~(2) If the population of the county is less than 200,000 persons~~
34 ~~according to the most recent federal decennial census, a license to~~
35 ~~carry loaded and exposed in only that county a pistol, revolver, or~~
36 ~~other firearm capable of being concealed upon the person.~~

37 SEC. 2. ~~Section 26155 of the Penal Code is amended to read:~~

38 26155. (a) ~~When a person applies for a license to carry a pistol,~~
39 ~~revolver, or other firearm capable of being concealed upon the~~
40 ~~person, the chief or other head of a municipal police department~~

1 of any city or city and county shall issue a license to that person
2 upon proof of all of the following:

3 (1) ~~The applicant is of good moral character.~~

4 (2) (A) ~~Good cause exists for issuance of the license.~~

5 (B) ~~For purposes of this subdivision, “good cause” includes,~~
6 ~~but is not limited to, personal protection or self-defense.~~

7 (3) ~~The applicant is a resident of that city.~~

8 (4) ~~The applicant has completed a course of training as described~~
9 ~~in Section 26165.~~

10 (b) ~~The chief or other head of a municipal police department~~
11 ~~may issue a license under subdivision (a) in either of the following~~
12 ~~formats:~~

13 (1) ~~A license to carry concealed a pistol, revolver, or other~~
14 ~~firearm capable of being concealed upon the person.~~

15 (2) ~~If the population of the county in which the city is located~~
16 ~~is less than 200,000 persons according to the most recent federal~~
17 ~~decennial census, a license to carry loaded and exposed in only~~
18 ~~that county a pistol, revolver, or other firearm capable of being~~
19 ~~concealed upon the person.~~

20 (c) ~~Nothing in this chapter shall preclude the chief or other head~~
21 ~~of a municipal police department of any city from entering an~~
22 ~~agreement with the sheriff of the county in which the city is located~~
23 ~~for the sheriff to process all applications for licenses, renewals of~~
24 ~~licenses, and amendments to licenses, pursuant to this chapter.~~

25 SEC. 3. ~~If the Commission on State Mandates determines that~~
26 ~~this act contains costs mandated by the state, reimbursement to~~
27 ~~local agencies and school districts for those costs shall be made~~
28 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
29 ~~4 of Title 2 of the Government Code.~~